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09/211,268	12/14/1998	JUNJI KOBAYASHI	B208-1002	7286

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EXAMINER

GENCO, BRIAN C

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/211,268

Applicant(s)

KOBAYASHI ET AL.

Examiner

Brian C Genco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21, 26, 27 and 30-43 is/are pending in the application.
- 4a) Of the above claim(s) 13-20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 and 21 is/are allowed.
- 6) ☒ Claim(s) 26, 27 and 30-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/15/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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Applicant's amendment filed October 15, 2004 has been fully considered by the Examiner.

Applicant's arguments with regards to the Yamano reference have overcome the grounds of rejection previously presented by Examiner relying on Yamano. Upon further search and consideration a new grounds of rejection with regards to the Yamano reference is being presented herein below.

Applicant's arguments with regards to the Kamamoto reference are not deemed persuasive.

Applicant argues that Kamamoto does not disclose said first moving member enables said display part to rotate around a first shaft so that said display part moves toward an upper side of said first operation face.

In response, Examiner asserts that the previous interpretation that by rotating the display upwards meets the limitation. Examiner notes that "toward" is defined by Merriam Webster's Collegiate Dictionary as "in the direction of". As such, while the display is located in the central portion of the camera as argued by applicant, the display is still rotated in the direction of the upper side of the camera so as to face in the direction of the upper side of the camera and therefore the display moves toward the upper side of the camera.

Further, Examiner notes that as shown in Fig. 2 at least the bottom of the display part as illustrated is moved toward an upper side of the camera when the display is rotated so as to point upwards.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 36-39, 42, and 43 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In regards to claim 36 there is no disclosure in the specification for the image pickup apparatus as defined by the combination of claim limitations in claim 36 comprising a moving member for moving said display part to a second position in which said display part is stowed in the image pickup apparatus, wherein when the display part is in the second position, third direction of said display part substantially coincides with second direction of said body.

Claim 37 and 42 are dependant on claim 36.

Claim 38 has the same combination of limitations that create the conflict discussed in claim 36.

Claims 39 and 43 are dependant on claim 38.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 26, 27, and 30-35 are rejected under 35 U.S.C. 102(e) as being anticipated by (USPN 5,932,429 to Kamamoto et al.).

In regards to claim 26 Kamamoto discloses an image pickup apparatus including a lens portion for converging an object image comprising:

a display part including a display face for displaying a picked-up image (e.g., element 7 of Fig. 2);

a body including a first operation face having a first operation member operated by an operator who uses said image pickup apparatus (e.g., the camera body depicted in Fig. 2 wherein the first operation face is the face depicted in Fig. 5 and the first operation member is elements 28-41);

a moving member for moving said display part to a first position in which the first operation face of said body is covered by said display part, and a second position in which said first operation face is not covered by said display part and is exposed outside (e.g., opening/closing device element 12 of Fig. 2 is the moving member wherein the display part can be moved as shown in Figs. 2-5);

wherein when said moving member includes a first moving member and a second moving member, said first moving member (e.g., element 31 of Fig. 11) enables said display part to rotate around a first shaft so that said display part moves toward an upper side in said first operation face (e.g., the first shaft is elements 29 and 30 of Fig. 6 and 11; see Figs. 2-5 wherein

as shown in Fig. 5 wherein said display part is move toward an upper side face in said first operation face, namely rotated upward), and said second moving member (e.g., element 19 of Fig. 6) enables said display part to rotate around a second shaft substantially perpendicular to said first shaft (e.g., element 16 of Fig. 7)

wherein when said display part is in the first position, a major-side direction of said display part substantially coincides with a major-side direction of said body, and when said display part is in the second position, a minor-side direction of said display part substantially coincides with a major-side direction of said body (e.g., see Figs. 2-5).

In regards to claim 27 Yamano discloses an image pickup apparatus according to claim 26, further comprising:

a second operation member located on a second operation face of said body wherein said second operation member is used when picking up image, and said second operation face adjoins said first operation face and is exposed outside regardless of the position of said display part (e.g., zoom control buttons 10 depicted in Fig. 1).

In regards to claims 30 and 31 see Examiners notes on the rejection of claims 26 and 27 respectively.

In regards to claim 34 Kamamoto discloses an image pickup apparatus including a lens portion for converging an object image comprising:

a display part including a display face for displaying a picked-up image (e.g., element 7 of Fig. 2), wherein said display part is surrounded by a first side, second side, third side, and fourth side, wherein said first side and said second side face each other, and said third side and said fourth side face each other, wherein a length between said first side and said second side is

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longer than a length between said third side and said fourth side, wherein said first side and said second side is shorter than said third side and said fourth side (e.g., the first side is the left side of the display element 7, the second side is the right side of the display element 7, the third side is the bottom of the display element 7, and the fourth side is the top of display element 7 as depicted in Fig. 2);

a body including a first operation face having a first operation member operated by an operator who uses said image pickup apparatus (e.g., the camera body depicted in Fig. 2 wherein the first operation face is the face depicted in Fig. 5 and the first operation member is elements 28-41), said first operation face is surrounded by a fifth side, sixth side, seventh side, and eighth side, wherein said fifth side and said sixth side face each other, and said seventh side and said eighth side face each other, wherein a length between said fifth side and said sixth side is longer than a length between said seventh side and said fourth side, wherein said fifth side and said sixth side is shorter than said seventh side and said eighth side (e.g., the fifth side is the right side of the camera body element 2, the sixth side is the left side of the camera body element 2, the seventh side is the top of the camera body element 2 and the eighth side is the bottom of the camera body element 2 as depicted in Fig. 5);

a moving member for moving said display part to a first position in which the first operation face of said body is covered by said display part, and a second position in which said first operation face is not covered by said display part and is exposed outside (e.g., opening/closing device element 12 of Fig. 2 is the moving member wherein the display part can be moved as shown in Figs. 2-5);

wherein when said moving member includes a first moving member and a second moving member, said first moving member (e.g., element 31 of Fig. 11) enables said display part to rotate around a first shaft so that said display part moves toward an upper side in said first operation face (e.g., the first shaft is elements 29 and 30 of Fig. 6 and 11; see Figs. 2-5 wherein as shown in Fig. 5 wherein said display part is move toward an upper side face in said first operation face, namely rotated upward), and said second moving member (e.g., element 19 of Fig. 6) enables said display part to rotate around a second shaft substantially perpendicular to said first shaft (e.g., element 16 of Fig. 7)

wherein when said display part is in the first position, first direction of said display part substantially coincides with second direction of said body, and when said display part is in the second position, third direction of said display part substantially coincides with second direction of said body (e.g., see Figs. 2 and 5; when the display is rotated so as to be pointing up in the second position the third direction coincides with the second direction).

wherein said first direction is a direction which goes to said second side from said first side, said second direction is a direction which goes to said sixth side from said fifth side, and said third direction is a direction which goes to said fourth side from said third side (e.g., see Figs. 2 and 5).

In regards to claim 35 Kamamoto discloses an image pickup apparatus according to claim 34, further comprising:

a second operation member located on a second operation face of said body wherein said second operation member is used when picking up image, and said second operation face adjoins



said first operation face and is exposed outside regardless of the position of said display part (e.g., zoom control buttons 10 depicted in Fig. 1).

In regards to claims 32 and 33 see Examiner's notes on the rejection of claim 34 and 35 respectively.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 26, 27, and 30-35, 40, and 41 are rejected under 35 U.S.C. 103(1) as being unpatentable over (USPN 6,067,116 to Yamano et al.) in view of (USPN 5,659,361 to Jin).

In regards to claim 26 Yamano discloses an image pickup apparatus including a lens portion for converging an object image comprising:

a display part including a display face for displaying a picked-up image (e.g., element 122 of Fig. 2);

a body including a first operation face having a first operation member operated by an operator who uses said image pickup apparatus (e.g., the camera body depicted in Fig. 2 wherein the first operation face is the face comprising elements 213-215 and the first operation member is element 213-215);

a moving member for moving said display part to a first position in which the first operation face of said body is covered by said display part (e.g., when the upper cover 202 is closed), and a second position in which said first operation face is not covered by said display part and is exposed outside (e.g., when the upper cover 202 is open as shown in Fig. 2);

wherein when said moving member includes a first moving member, said first moving member enables said display part to rotate around a first shaft so that said display part moves toward an upper side in said first operation face (e.g., hinge element 203 of Fig. 2 is the moving member wherein the display part can be moved as shown in Fig. 9; see Figs. 8A, and 10A-14)

wherein when said display part is in the first position, a major-side direction of said display part substantially coincides with a major-side direction of said body (e.g., when the cover is closed the major-side direction of the display part coincides with the major-side direction of the body; See Fig. 2).

Yamano does not disclose nor preclude the moving member includes a second moving member, said second moving member enables said display part to rotate around a second shaft substantially perpendicular to said first shaft and when said display part is in the second position, a minor-side direction of said display part substantially coincides with a major-side direction of said body.

Jin discloses having a viewfinder mounted on the top of a camcorder that is tiltable and rotatable so as to enable a user to easily take pictures while viewing the viewfinder (column 2, lines 19-23). Jin further discloses this provides the advantage of taking higher angled and/or lower-angled pictures and in particular taking himself/herself while viewing the images on the screen of the viewfinder from any position around the camcorder body (column 5, lines 19-25). Therefore it would have been obvious to one skilled in the art at the time of the invention to have added a second moving member that enables said display part to rotate around a second shaft substantially perpendicular to said first shaft as disclosed by Jin in order to provides the advantage of taking higher angled and/or lower-angled pictures and in particular taking

himself/herself while viewing the images on the screen of the viewfinder from any position around the camcorder body. As such, if the display of Yamano was rotated around a second shaft such that it was perpendicular to the orientation depicted in Fig. 2, said display part is in the second position, and a minor-side direction of said display part substantially coincides with a major-side direction of said body.

In regards to claim 27 Yamano discloses an image pickup apparatus according to claim 26, further comprising:

a second operation member located on a second operation face of said body wherein said second operation member is used when picking up image, and said second operation face adjoins said first operation face and is exposed outside regardless of the position of said display part (e.g., element 212 of Fig. 2).

In regards to claims 30 and 31 see Examiners notes on the rejection of claims 26 and 27 respectively.

In regards to claim 34 Yamano discloses an image pickup apparatus including a lens portion for converging an object image comprising:

a display part including a display face for displaying a picked-up image (e.g., see Fig. 2), wherein said display part is surrounded by a first side, second side, third side, and fourth side, wherein said first side and said second side face each other, and said third side and said fourth side face each other, wherein a length between said first side and said second side is longer than a length between said third side and said fourth side, wherein said first side and said second side is shorter than said third side and said fourth side (e.g., the first side is the left side of the display,

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the second side is the right side of the display, the third side is the top of the display, and the fourth side is the bottom of the display as depicted in Fig. 2);

a body including a first operation face having a first operation member operated by an operator who uses said image pickup apparatus (e.g., the camera body depicted in Fig. 2 wherein the first operation face is the face with elements 213-218 and the first operation member is elements 213-218), said first operation face is surrounded by a fifth side, sixth side, seventh side, and eighth side, wherein said fifth side and said sixth side face each other, and said seventh side and said eighth side face each other, wherein a length between said fifth side and said sixth side is longer than a length between said seventh side and said eighth side, wherein said fifth side and said sixth side is shorter than said seventh side and said eighth side (e.g., the fifth side is the right side of the camera face, the sixth side is the left side of the camera face, the seventh side is the front edge of the camera face and the eighth side is the back edge of the camera face as depicted in Fig. 2);

a moving member for moving said display part to a first position in which the first operation face of said body is covered by said display part, and a second position in which said first operation face is not covered by said display part and is exposed outside (e.g., element 203 of Fig. 2 is the moving member wherein the display part can be moved as shown in Fig. 9);

wherein when said moving member includes a first moving member, said first moving member enables said display part to rotate around a first shaft so that said display part moves toward an upper side in said first operation face (e.g., element 203 of Fig. 2; also note Figs. 8A-19),

wherein when said display part is in the first position, first direction of said display part substantially coincides with second direction of said body,

wherein said first direction is a direction which goes to said second side from said first side, said second direction is a direction which goes to said sixth side from said fifth side (e.g., see Fig. 2).

Yamano does not disclose a second moving member, said second moving member enables said display part to rotate around a second shaft substantially perpendicular to said first shaft and when said display part is in the second position, third direction of said display part substantially coincides with second direction of said body and said third direction is a direction which goes to said fourth side from said third side.

Jin discloses having a viewfinder mounted on the top of a camcorder that is tiltable and rotatable so as to enable a user to easily take pictures while viewing the viewfinder (column 2, lines 19-23). Jin further discloses this provides the advantage of taking higher angled and/or lower-angled pictures and in particular taking himself/herself while viewing the images on the screen of the viewfinder from any position around the camcorder body (column 5, lines 19-25). Therefore it would have been obvious to one skilled in the art at the time of the invention to have added Jin's tiltable and rotatable moving member that enables said display part to rotate around a second shaft substantially perpendicular to said first shaft as disclosed by Jin in order to provides the advantage of taking higher angled and/or lower-angled pictures and in particular taking himself/herself while viewing the images on the screen of the viewfinder from any position around the camcorder body. As such, if the display of Yamano was rotated around a second shaft such that it was perpendicular to the orientation depicted in Fig. 2 and then tilted back such

that the back cover of the display was parallel with the operation face of the camera, said display part is in the second position, and third direction of said display part substantially coincides with second direction of said body and said third direction is a direction which goes to said fourth side from said third side.

In regards to claim 35 Yamano discloses an image pickup apparatus according to claim 34, further comprising:

a second operation member located on a second operation face of said body wherein said second operation member is used when picking up image, and said second operation face adjoins said first operation face and is exposed outside regardless of the position of said display part (e.g., element 212 of Fig. 2).

In regards to claims 32 and 33 see Examiner's notes on the rejection of claim 34 and 35 respectively.

In regards to claim 40 see Figs. 2 and 3 where in the lens is element 311 as shown in Fig. 3.

In regards to claim 41 see Examiner's notes on the rejection of claims 40 and 34.

### ***Conclusion***

Examiner notes JP 11-088735 cited in the IDS filed October 15, 2004 is particularly relevant to the instant invention through the disclosure of a camera having a parallelepiped shape that is longer in a height direction of the camera body wherein the viewfinder is stowed such that the major side direction of the viewfinder corresponds to the major side direction of the camera body. However, JP 11-088735 does not currently qualify as prior art under 35 U.S.C. 102.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian C. Genco who can be reached by phone at 703-305-7881 or by fax at 703-746-8325. The examiner can normally be reached on Monday thru Friday 8:30am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-308-4357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian C Genco  
Examiner  
Art Unit 2615

December 2, 2004

A handwritten signature in black ink, appearing to read 'Andrew Christensen', with a long horizontal flourish extending to the right.

ANDREW CHRISTENSEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600